

REMARKS

Claims 1-40 are pending in this application.

Claims 6, 13, 26 and 37 are amended.

Claims 6 and 13 are rejected under 35 U.S.C. § 112, second paragraph.

Claim 37 has been amended to eliminate multiply dependency. The amendment is supported by claim 32. Claim 26 has been amended to correct a spelling error. No new matter has been added.

Claims 1-40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lykke et al. US 6,225,372 in view of Lim US 4,322,311.

35 U.S.C. § 112, second paragraph

The Applicants have amended claims 6 and 13 to eliminate the phrase "preferably C₄ to C₃₀ alkyl esters of (meth)acrylic acid". Thus the 35 U.S.C. § 112, second paragraph rejection is overcome. No new matter has been added.

35 U.S.C. § 103(a)

The Examiner has rejected claims 1-40 as being unpatentable over Lykke et al. US '372 in view of Lim US '311. The Examiner alleges that Lykke US '372 discloses particulate compositions comprising particles having a core within a shell, in which the core comprises a hydrophobic polymer. Lykke '372 does not specifically teach that the shell of the particles should be semi-permeable. However, Lim '311 discloses that it is well known in the art to produce particles having semi-permeable membranes. Applicants respectfully disagree.

The instant invention claims a particulate composition comprising particles having a core within a shell, in which the core comprises a hydrophobic polymer, characterized in that the shell comprises a semi-permeable membrane.

Lykke et al. '372 discloses a particulate composition comprising particles having a hydrophilic core within a shell comprising a membrane. See column 2, lines 28-30 and claim 1. Note that Lykke et al.

exemplifies only a hydrophilic core. Where a polymer is present in the aqueous phase of examples 1 and 2 in Lykke, it is a water soluble polyvinylpyrrolidone, not a hydrophobic polymer.

Column 1, lines 34 to 38 in Lykke et. al does mention that interfacial condensation (IFC) polymerization has been applied for encapsulating a hydrophobic or oil core by forming an oil-in water dispersion and causing IFC polymerization around each dispersed oil droplet. However, a "dispersed oil droplet" is not a hydrophobic polymer core. Nor does a "dispersed oil droplet" suggest a hydrophobic polymer as core.

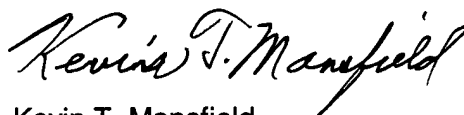
Lim et. al US '311 also discloses a hydrophilic core but surrounded by a semipermeable membrane. Lim is primarily concerned with water soluble chemically active material and the release of such material via the semipermeable membrane. There is no hydrophobic polymer core mentioned or suggested to replace the hydrophilic core in this reference.

The combination of Lim and Lykke gives a hydrophilic core surrounded by a semipermeable membrane. A key element of the instant invention, the hydrophobic core polymer is missing. Therefore the Applicants submit that the resulting combination is not the claimed invention and the 103(a) rejection is overcome.

Reconsideration and withdrawal of the rejection of claims 1-40 is respectfully solicited in light of the amendments and remarks *supra*.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



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